APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,503	01/09/2002	Daniel S. Lowen	AUS920010643US1	6723

7590	10/18/2004

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EXAMINER
LE, DIEU MINH T

ART UNIT	PAPER NUMBER
2114	

DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/042,503	LOWEN ET AL.
	Examiner	Art Unit	
	Dieu-Minh Le	2114	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _09 January 2002_.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-18_ is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _1-18_ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on _09 January 2002_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. _____.
    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
       application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _01/09/02_.
4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   This Office Action is response to the communication filed

on 01/09/02 in application 10/042,503.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs

of 35 U.S.C. 102 that form the basis for the rejections under

this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published
> under section 122(b), by another filed in the United States before the
> invention by the applicant for patent or (2) a patent granted on an
> application for patent by another filed in the United States before the
> invention by the applicant for patent, except that an international
> application filed under the treaty defined in section 351(a) shall have the
> effects for purposes of this subsection of an application filed in the
> United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English
> language.

3.   Claims 1-18 are rejected under 35 U.S.C. 102(e) as being

anticipate over Lee et al. (U.S. Patent 6,718,489 hereafter

referred to as Lee).

As per claim 1:

Lee explicitly teaches the invention. Lee teaches:

- A method of error retention for multi-threaded software,

[abstract, col. 1, lines 53-57, col. 2, lines 3-4, col. 9,

lines 3-17, and col. 12, lines 50-54],

comprising:

- executing an application which uses a logger that

collects log statement [col. 2, lines 11-12, col. 5, lines

58-59, col. 8, lines 40-43, and col.. 9, lines 12-17];

- collecting at least one log statement from at least one

application thread and storing the at least one log

statement in memory, and [col. 2, lines 11-12, col. 12,

lines 55-56];

- allowing the collected log statement to be persisted in

case on an error in a production environment [col. 1, lines

54-57, col. 7, lines 16-20];

As per claims 2 and 6-7:

Lee further teaches:

- the application and logger are implemented on a web

application server [col. 2, lines 48-50],

- the production application is an internet accessible

application [col. 2, lines 48-50 and col. 3, line 39];

- the method can be implemented using background threads

[col. 2, lines 3-4 and col. 12, lines 50-53]

As per claims 3-4:

Lee further teaches:

- the executing application is run in a development

environment [fig. 1A, col. 7, lines 38-47];

- the executing application is run in a test environment

[fig. 6, col. 13, lines 3-7].

As per claim 5:

Lee further teaches:

- the logger is built into a base class of an object

oriented application framework (i.e., Electronic service

Request (ESR) objects described in[fig. 9, col. 3, lines

27-31 and col. 5, lines 12-15].

As per claim 8:

Lee further teaches:

- detecting a death of an application thread by the logger

[col. 4, lines 55-59 and col. 8, lines 46-50];

- deleting the application thread's log statements after

thread death [col. 13, lines 3-7].

As per claims 9-10:

Due to the similarity of claims 9-10 to claims 1-8, except for a system of error retention for multi-threaded software comprising executing application means, collecting log statement means, allowing the collected log statement means, etc… instead method of error retention for multi-threaded software comprising executing application, collecting log statement, allowing the collected log statement, etc…; therefore, these claims are also rejected under the same rationale applied against claims 1-8. **In addition, all of the limitations have been noted in the rejection as per claims 1-8.**

As per claims 11-18:

These claims are the same as per claims 1-8. The only minor different is that this claim is directed to **computer-readable medium** instead of method of error retention for multi-threaded software comprising executing application, collecting log statement, allowing the collected log statement as described in claims 1-8. However, a **computer-readable medium** is a necessary item for such the storage device. Since the storage device needs a means for instruction or code means resided within the computer program media for performing the data execution, data

logging, data access, etc… Therefore, these claims are also

rejected under the same rationale applied against claims 1-8.

Conclusion

4.   The prior art made of record and not relied upon is
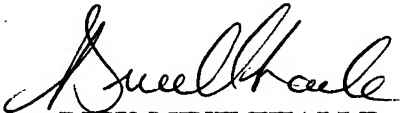considered pertinent to applicant's disclosure.

5.   A shortened statutory period for response to this action is
set to expired THREE (3) months, ZERO days from the date of this
letter. Failure to respond within the period for response will
cause the application to be abandoned. 35 U.S.C. 133.

Any inquiry concerning this communication or earlier

communications from the examiner should be directed to Dieu-Minh

Le whose telephone number is (703)305-9408 **[NOTE: After**

approximately October 15, 2004, I can be reached at the new

number (571) 272-3660]. The examiner can normally be reached on

Monday - Thursday from 8:30 AM to 6:30 PM.

If attempts to reach the examiner by telephone are

unsuccessful, the examiner's supervisor, Robert Beausoliel can

be reached on (703)305-9713. The fax phone number for the

organization where this application or proceeding is assigned is

703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DIEU-MINH THAI LE
PRIMARY EXAMINER
ART UNIT 2114

DML
10/13/04